

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 3323 - HB 3808

February 29, 2012

SUMMARY OF BILL: Prohibits a physician from performing an abortion unless the physician has admitting privileges at a hospital in the county in which the abortion is performed or in a county adjacent to the county in which the abortion is performed. Requires the physician to notify the patient where the physician has privileges in the event of medical complications. Requires a monthly report, of each abortion to be made by the facility where the abortion was performed and signed by the physician who performed the abortion, to the Department of Health (DOH) on forms prescribed by the Commissioner of DOH. Such reports shall be made available to the Board of Medical Examiners and the Board of Osteopathic Examination for use in the performance of their official duties. Requires the report to be confidential and not accessible to the public, but made available to law enforcement officials upon an order of court. Creates a misdemeanor offense for unauthorized willful disclosure of any confidential information from the report. Requires the Commissioner of DOH to prepare an annual statistical report for the General Assembly based on aggregate data from the monthly reports. Requires the report to include, in addition to any other information the Commissioner deems necessary, the number of abortions performed in each county in Tennessee, the number of facilities in each county, and abortion rates by age and race. Subjects a person's license to suspension or revocation if the required person fails to file a report, keep any records or supply any information. Creates a misdemeanor offense for any person who willfully delivers or discloses to DOH any report, record or information known by the person to be false. Requires, in addition to other penalties, that any person, organization or facility who is convicted of willfully violating any of the provisions of this section to have its license suspended for six months for the first violation, one year for the second violation, and revoked for the third violation. Defines "unborn child" as individual organism of the species homo sapiens at any stage of gestation in utero from fertilization until live birth.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Pursuant to Tenn. Code Ann. § 68-3-505(a), each induced termination of pregnancy that occurs in Tennessee is required to be reported to the Office of Vital Records within 10 days of the procedure. Approximately 16,400 Reports of Induced Termination of Pregnancy were submitted in 2010.

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- The proposed reporting requirements are more extensive than what is currently required, which will necessitate modification of the current form PH-1518. These modifications will not result in a significant increase in state expenditures and can be accommodated within existing budgetary resources. The Department does not anticipate a significant increase in the number of reports filed to the Department.
- The Board for Licensing Health Care Facilities will notify licensed facilities and physicians of the new reporting requirements through the routine facility and professional newsletters and on the Board's website. This will not result in a significant fiscal impact to the Board.
- Compiling and presenting the annual report to the General Assembly will not result in a significant increase in state expenditures and can be accommodated within existing resources of the Department without an increased appropriation or reduced reversion.
- Pursuant to Tenn. Code Ann. § 4-3-1011 and Tenn. Code Ann. § 68-11-216, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2011, the Division of Health Related Boards had a cumulative balance of \$10,859,982.82, and the Board for Licensing Health Care Facilities had a balance of \$594,768.55.
- There will not be a sufficient number of misdemeanor prosecutions for state or local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

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